UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,202	01/23/2004	Leo M. Pedlow JR.	SNY-T5708.01	8093

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/764,202	PEDLOW, LEO M.
	Examiner	Art Unit
	RICKY CHIN	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 February 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-23* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *1-14-08*.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments have been considered but are moot in view of the new

ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims (1-23) are rejected under 35 U.S.C. 103 (a) as being unpatentable over Son

et al., US 6,229,895 in view of Candelore, US 2003/0145329.

   Regarding claim 1, Son discloses a method of storage and distribution of video-

on-demand content (See [Abstract]), comprising:

Storing a selection of video on demand content in a form that is encrypted under a first

encryption system (See [Abstract] which discloses that a remote server receives video

programming in a first encrypted form and stores the video);

receiving a request from a subscriber terminal to transfer the selection of video content

to the subscriber terminal (See [Abstract] wherein the content is requested by a

subscriber);

decrypting the content encrypted under the first encryption system, then retrieving the

stored selection of video-on-demand content and routing the selection of content that

has been encrypted under the first encryption system to the subscriber terminal (See

[Abstract], which discloses a third aspect, a remote server receives programming in a

first encryption and the remote server passes through the video content by transmitting);

decrypting the content encrypted under the second encryption system, then: retrieving

the stored selection of video-on-demand content(See [Abstract] which discloses that a

remote server receives video programming in a first encrypted form and stores the

video);

decrypting the selection of content encrypted under the first encryption system to

produce clear content (See [Abstract], which discloses that the remote server decrypts

the video programming stored under the first encryption) ;

encrypting the selection of clear content under the second encryption system to produce

a re-encrypted selection of content (See [Abstract] which discloses that programming is

re-encrypted into a second encrypted form);

and routing the re-encrypted selection of content to the subscriber terminal (See

[Abstract] which discloses transmitting the video programming).

Son does not explicitly teach of determining that the subscriber terminal is able to

decrypt content encrypted under the first encryption system or under a second

encryption system. However, in the same field of endeavor Candelore teaches of a

conditional access system which determines what type of STB is associated with the

order and thus what type of CA encryption system is being used by the ordering STB.

(See [0026], where it is determined what type of STB is used and thus what type of CA

encryption);

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have combined the teachings of Son with that of Candelore as a

whole for the mere benefit of being able to provide increased security of video

programming content for a multitude of different STB's using one or more encryption

systems.

Regarding claim 2, the combination of Son and Candelore teaches all of the

claim limitations according to claim 1, further the combination teaches of a method for

selectively re-encrypting (See Candelore, [0025] which refers to selectively re-encrypted

content). Therefore it would have been obvious to one of ordinary skill in the art to have

combined the teachings of Son and Candelore as a whole for the re-encrypting to

comprise of selectively re-encrypting the selection of content for the mere benfit of not

having to re-encrypt non-critical packets thereby saving storage and time.

Regarding claim 3, the combination of Son and Candelore teaches all the limitations according to claim 1, further the combination teaches of wherein the re-encrypting comprises fully re-encrypting the selection of content (See Son, [Abstract], which discloses encryption of the content).

Regarding claim 4, the combination of Son and Candelore teaches all the limitations according to claim 1, further the combination teaches of wherein the determining is carried out by reading information in the request (See Candelore, [0026], which refers to using registration information stored at the head end).

Regarding claim 5, the combination of Son and Candelore teaches all of the limitations according to claim 1, further the combination teaches of wherein the determining is carried out by reference to a database (See Candelore [0026], which would inherently imply a database since the information is stored).

Regarding claim 6, the combination of Son and Candelore teaches all the limitations according to claim 1, further the combination teaches of comprising storing the selection of video content, the selection of video content being stored as encrypted content, and wherein the selection of video content is encrypted under a first encryption system (See Son [Abstract] and analysis of claim 1).

Regarding claim 7, the combination Son and Candelore teaches all of the limitations according to claim 6, further the combination teaches of comprising encrypting the selection of content under the first encryption system prior to the storing (See Son, [Abstract], which discloses that the server receives the video in a first encrypted form).

Regarding claim 8, the combination of Son and Candelore teaches all of the limitations according to claim 1, further the combination teaches of wherein the determining is carried out in a session manager (See Candelore [0025]-[0030] which states that the cable system determines what type of STB and CA encryption system is used and that that process 200 can be carried out on any suitable programmed general purpose processor).

Regarding claim 9, the combination of Son and Candelore teaches all of the limitations according to claim 8, further the combination teaches of wherein the session manager comprises a session manager program running on a programmed processor (See [0030] which states that the process of Fig.2 can be carried out on any suitable programmed general purpose processor).

Regarding claim 10, Son discloses a Video-On-Demand apparatus, comprising:

a video server that stores a selection of video content, the selection of video content

being stored as encrypted content, and wherein the content is encrypted under a first

encryption system (See [Abstract] which discloses a server);

a routing network for routing content to a subscriber terminal (See [Abstract] which

discloses transmitting to a subcriber);

a decrypter for decrypting the content under the first encryption system (See [Abstract]

which discloses decryption and therefore would be inherent to include a decrypter);

an encrypter for encrypting the content under a second encryption system (See

[Abstract] which discloses re-encryption under a second form and therefore would be

inherent to have an encrypter);

a session manager program running on a programmed processor that: receives a

request from a subscriber terminal to transfer the selection of video content to the

subscriber terminal (See col. 3 lines 30-35, which discloses a processing computer

configured to provide session control of video data flowing to and from the server);

the session manager directing the encrypter to encrypt the selection of content under

the second encryption system to produce a re-encrypted selection of content (See

analysis of claim 1 and [Abstract] of Son);

and the session manager directing the routing network to route the re-encrypted

selection of content to the subscriber terminal (See analysis of claim 1 and [Abstract] of

Son);

the subscriber terminal is able to decrypt the content encrypted under the first

encryption system, then the session manager directs the routing network to route the

selection of content encrypted under the first encryption system to the subscriber

terminal (See analysis claim 1 and[Abstract] of Son);

if the subscriber terminal is able to decrypt the content encrypted under the second

encryption system, then: the session manager directing the routing network to route the

selection of content to the decrypter for decrypting the selection of content encrypted

under the first encryption system to produce clear content (See analysis of claim 1 and

[Abstract] of Son).

Son does not explicitly teach of the session manager whereby it determines that

the subscriber terminal is able to decrypt content encrypted under the first encryption

system or under a second encryption system. However, in the same field of endeavor,

Candelore discloses this aspect (See [Candelore] , [0025]-[0026] and [0030] which

states that process 200 may be performed on a programmed processor).

Therefore, it would have been obvious to one of ordinary skill in the art at the time

of the invention to have combined the teachings of Son with that of Candelore as a

whole for the mere benefit of being able to provide increased security of video

programming content for a multitude of different STB's using one or more encryption systems.

Regarding claim 11, the combination of Son and Candelore teaches all of the limitations of the apparatus according to claim 10, further the combination teaches of wherein the re-encrypting comprises selectively re-encrypting the selection of content (See analysis of claim 2)

Regarding claim 12, the combination of Son and Candelore teaches all of the limitations of the apparatus according to claim 10, further the combination teaches of wherein the re-encrypting comprises fully re-encrypting the selection of content (See analysis of claim 3).

Regarding claim 13, the combination of Son and Candelore teaches all of the limitations of the apparatus according to claim 10, further the combination teaches of wherein the determining is carried out by reading information in the request (See analysis of claim).

Regarding claim 14, the combination of Son and Candelore teaches all of the limitations of the apparatus according to claim 10, further the combination teaches of wherein the determining is carried out by reference to a database (See analysis of claim 5).

Regarding claim 15, the combination of Son and Candelore teaches all of the

limitations of the apparatus according to claim 10, further the combination teaches of

comprising an encrypter for encrypting the selection of content under the first encryption

system prior to storage on the video server (See analysis of claim 7).

Regarding claims 16-19, the claims have been analyzed and rejected with

regards to claims 1-5. Furthermore, refer to [0031] of Candelore which discloses an

embodiment of an electronic storage medium.

Regarding claim 20, the combination of Son and Candelore teaches all of the

limitations of the computer readable storage medium according to claim 19, the

combination further teaches of wherein the database comprises a billing system

database (See [0025]-[0031] which discloses that the process 200 can be carried out on

a programmed processor. Because the process is carried out on a programmed

processor and the process includes billing, there must also be an associated billing

system database).

Regarding claim 21-23, the claims have been analyzed and rejected with

regards to claims 1-9.

Conclusion

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ricky Chin whose telephone number is 571-270-3753.

The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vu Le can be reached on 571-272-7332. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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